

REMARKS

The last Office Action has been carefully considered.

It is noted that 1 and 16 are rejected under 35 U.S.C. 102(b) over the patent to Folberth.

Claim 14 is rejected under 35 U.S.C. 103(a) over the patent to Folberth.

Claims 11-13 and 16 are rejected under 35 U.S.C. 103 over the patent to Schill in view of the patent to Zimmer.

Claims 14-15 are rejected under 35 U.S.C. 103 (a) over the patent to Schill in view of the patent to Zimmer.

Also, the claims are objected to and rejected under 35 U.S.C. 112.

In accordance with the Examiner's formal objections and rejections to the claims, applicant has amended corresponding claims and

it is believed that the grounds for the formal objections and rejections are eliminated.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants have canceled claims 2, 3 and 4, amended claims 1 and 16 and added claim 17.

Claim 1 combines the features of the original claims 1, 2 and 3; claim 16 combines the features of or the original claims 16, 2 and 3, and claim 17 combines the features of original claims 1, 2 and 4.

It is respectfully submitted that the new features of the present invention as defined in claims 1, 16 and 17 are not disclosed in the references, and also cannot be derived from them as a matter of obviousness.

Some original claims were rejected over the prior art under 35 U.S.C. 102 as fully anticipated. In connection with this, the Examiner's attention is respectfully directed to the decision in *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it is stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the references do not contain each and every element of the present invention as claimed in claim 1, 16 and 17, arranged as in the claims.

It is therefore respectfully submitted that the original anticipation rejection of the claims should be considered as no longer tenable with respect to claims 1, 16 and 17.

Some claims were rejected in the prior art as obvious over the references. In connection with this, it is respectfully submitted that the references do not contain any hint or suggestion for suggestion to make the present invention obvious. In order to arrive at the applicant's invention from the references, the references have to be fundamentally modified by including into them the features which were proposed by the applicant. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggestion; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

It is therefore believed to be clear that claims 1, 16 and 17 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the corresponding independent claims, they share the presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance,

then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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